

TOWNSEND and TOWNSEND and CREW LLP

Two Embarcadero Center, 8th Floor
 San Francisco, California 94111-3834
 (415) 576-0200

In re application of: Jeffery J. Wheeler *et al.*

Application No.: 09/431,594

Filed: November 1, 1999

Group Art Unit: 1635

For: LIPID-NUCLEIC ACID PARTICLES PREPARED VIA A
 HYDROPHOBIC LIPID-NUCLEIC ACID COMPLEX
 INTERMEDIATE AND USE FOR GENE TRANSFER

THE ASSISTANT COMMISSIONER FOR PATENTS

Washington, D.C. 20231

Sir:

Transmitted herewith is a preliminary amendment in the above-identified application.

[] Enclosed is a petition to extend time to respond.
 [] Small entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
 [] A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 is enclosed.

If any extension of time is needed, then this response should be considered a petition therefor.
 The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA
TOTAL	* 34	MINUS	** 41	= 0
INDEP.	* 2	MINUS	*** 4	= 0
[] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				

Attorney Docket No. 16303-002430US

Date: May 08, 2000

I hereby certify that this is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents
Washington, D.C. 20231Signed: *Claudia Chavez*
Claudia Chavez

TC 100 MAIL ROOM	RECEIVED
OR	-2 2000
RATE	ADDIT. FEE
x \$9.00 =	\$0.00
x \$39.00 =	\$0.00
+ \$130.00 =	
TOTAL ADDIT. FEE	\$0.00
OR	TOTAL
RATE	ADDIT. FEE
x \$18.00 =	
x \$78.00 =	
+ \$260.00 =	

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.
 ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.
 *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, then write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

[X] No fee is due.

Please charge Deposit Account No. 20-1430 as follows:

[] Claims fee \$ _____
 [X] Any additional fees associated with this paper or during the pendency of this application.

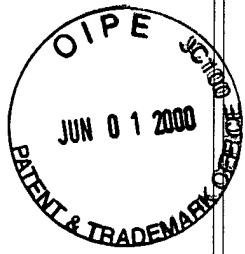
NO extra copies of this sheet are enclosed.

TOWNSEND and TOWNSEND and CREW LLP

Peter J. Follette
 Peter J. Follette, Ph.D., Reg. No.: 46,213
 Attorneys for Applicant

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

PATENT
016303-002430US



Assistant Commissioner for Patents
Washington, D.C. 20231

On May 8, 2000

TOWNSEND and TOWNSEND and CREW LLP

By: Claudia Chang
Claudia Chavez

2/a
M.Q.J
6/14/00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Wheeler *et al.*

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For: LIPID-NUCLEIC ACID
PARTICLES PREPARED VIA A
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ACID COMPLEX INTERMEDIATE
AND USE FOR GENE TRANSFER

Examiner: Unassigned

Art Unit: 1635

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination of the above-referenced application, please enter the following amendments and remarks.

IN THE CLAIMS:

~~Please cancel claims 1-41 without prejudice to future prosecution.~~

Please add the following new claims 42-75:

~~--42. (New) A nucleic acid-lipid particle for introducing a nucleic acid into a cell, said particle comprising a cationic lipid, a conjugated lipid that inhibits aggregation of particles, and a nucleic acid.~~

*Sub
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